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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/443,202	11/18/1999	GREGORY DAVID DOOLITTLE	EN999058	6901

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EXAMINER
WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Sep 12, 2002* _____ .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims *71-79*

4) ☒ Claim(s) *1-4, 9-11, 14-22, 27-30, 35-37, 40-48, 53-56, 58-61, 66-68, and* _____ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4, 9-11, 14-22, 27-30, 35-37, 40-48, 53-56, 58-61, 66-68, and 71-79* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   This application currently names joint inventors. In considering patentability of the
claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various
claims was commonly owned at the time any inventions covered therein were made absent any
evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out
the inventor and invention dates of each claim that was not commonly owned at the time a later
invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103©
and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-4, 9-11, 14-22, 27-30, 35-37, 40-48, 53-56, 58-61, 66-68 and 71-79 are rejected
under 35 U.S.C. 103(a) as being unpatentable over Schoening et al. with Patent Number
6,202,465 in view of Furlani et al. with Patent Number 5,995,998.

4.   Regarding claim(s) 1, 27, 53, 58, Schoening teaches a manipulation of threads within a
computer network. Schoening teaches receiving a 1st request, col. 35, lines 26-27. Schoening
teaches the 1st request waiting for a response from a 2nd request, col. 35, lines 27-28. Schoening
teaches selecting from a thread pool, col. 35, lines 47-55. Schoening teaches altering eligible

thread pools, col. 40, lines 43-45. Schoening teaches altering thread pools as "the timeBase

providing the partial order of Service Module Functions needed to effectuate the needed services

is selected", col. 42, lines 22-24 and col. 41, lines 39-42 and as a partial order, col. 41, lines 3-14.

Schoening teaches the invention in the above claim(s) except for explicitly teaching altering

existing eligible thread pools to serve a request. In that Schoening operates to generate multiple

threads the artisan would have looked to the networking arts for details of implementing thread

allocation. In that art, Furlani, a related network thread adapter, teaches "often two independent

groups of interdependent objects become themselves interdependent", col. 6, lines 31-32 in order

to process a request. Furlani specifically teaches "in this circumstance the groups and their group

locks must be merged", col. 6, lines 32-33. Determining different eligible thread groups or

process configurations to complete a request is taught. Further, Furlani suggests that "the two

groups must be merged into one group", col. 6, lines 44-45 which results from implementing his

thread groupings to create new eligible groups. The motivation to incorporate eligible thread

groupings insures that deadlocks among other delays are overcome. Thus, it would have been

obvious to one of ordinary skill in the art to incorporate the eligible grouping of threads as taught

in Furlani into the network described in the Schoening patent because Schoening operates with

threads and Furlani suggests that optimization can be obtained by manipulating thread

configurations. Therefore, by the above rational, the above claim(s) are rejected.

5.   Regarding claims 2-3, 28-29, 59-60, Schoening teaches masking thread pools, col. 41,

lines 1-5. Thus, the above claim limitations are obvious in view of the combination.

6.   Regarding claims 4, 30, 61, Schoening teaches alter processing when a wait state is

recognized, col. 39, lines 65-67. Thus, the above claim limitations are obvious in view of the combination.

7.   Regarding claims 9, 35, 66, Schoening teaches altering thread groups for other parallel processes, col. 40, lines 36-38. Thus, the above claim limitations are obvious in view of the combination.

8.   Regarding claims 10-11, 36-37, 67-68, Schoening teaches thread pools based on call backs, col. 15, lines 46-48 and col. 16, lines 7-8. Thus, the above claim limitations are obvious in view of the combination.

9.   Regarding claims 14-15, 18, 40-41, 44, 54, 71-72, 75, Schoening teaches requests at servers, col. 7, lines 748-50. Thus, the above claim limitations are obvious in view of the combination.

10.   Regarding claims 16-17, 42-43, 73-74, Schoening teaches client on the same or different computer, col. 39, lines 251-60. Thus, the above claim limitations are obvious in view of the combination.

11.   Regarding claims 19, 45, 76, Schoening teaches avoiding deadlocks, col. 3, lines 24-30. Thus, the above claim limitations are obvious in view of the combination.

12.   Regarding claims 20, 46, 77, Schoening teaches ignoring input from a 2nd requester, col. 40, lines 65-67. Thus, the above claim limitations are obvious in view of the combination.

13.   Regarding claims 21-22, 47-48, 55-56, 78-79, Schoening teaches the same or different requesters, col. 18, lines 6-14. Thus, the above claim limitations are obvious in view of the combination.

Response to Amendment

14.   The title submitted is acceptable.

15.   Applicant's election with traverse of claims 1-4, 9-11, 14-22, 27-30, 35-37, 40-48, 53-56, 58-61, 66-68 and 71-79 in Paper No.4 is acknowledged. The traversal is on the ground(s) that "a technique for selecting a thread pool from the altered set, and not simply selecting a thread pool with out more", Paper No. 6, Page 3, lines 22-24 are dependent. This is not found persuasive because applicant is correct the non-elected claims describe more such as "dynamically determining which thread pool" is selected based on various elements which would be an additional burden to search.

16.   The requirement is still deemed proper and is therefore made FINAL.

17.   The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

18.   The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

19.   Applicant suggests "but each component's status as a member of the set of executable components is not being altered", Paper No. 6, Page 7, lines 4-6. The partial order described in Schoening as "a partial order evaluator evaluates the partial order", col. 41, lines 11-12 consists of eligible thread pools. There are numerous intermediary steps to determine a final process that arguably reads as eligible thread pools in a method to determine a final process. Thus,

Applicant's arguments can not be held as persuasive regarding patentability.

Conclusion

20.   The prior art made of record and not relied upon is considered pertinent to applicant's

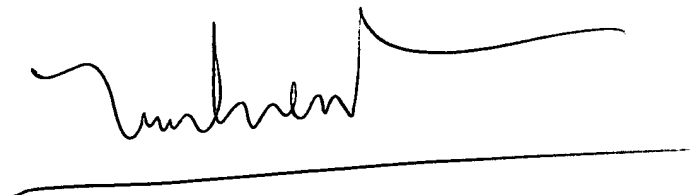disclosure is disclosed in the Notice of References Cited.

21.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner

can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

22.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for the

organization where this application or proceeding is assigned is (703)746-7239.

23.   Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-9605..

sfw

October 17, 2002

LE HIEN LUU
PRIMARY EXAMINER